

**CITY OF OREM
PLANNING COMMISSION MEETING MINUTES
JULY 1, 2015**

The following items are discussed in these minutes:

ERCANBRACK SUBDIVISION, PLAT F – APPROVED

ALGER ACRES, PLAT G – APPROVED

IRVING PD-46 – RECOMMENDED APPROVAL

STUDY SESSION

PLACE – Orem City Main Conference Room

At 3:30 p.m. Chair Moulton called the Study Session to order.

Those present: Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten, Planning Commission members; David R. Stroud, City, Planner; Clinton Spencer, GIS Planner; Sam Kelly, City Engineer; Paul Goodrich, Transportation Engineer; Steve Earl, Legal Counsel; and Loriann Merritt, Minutes Secretary

Those excused: Becky Buxton, Planning Commission member; Bill D. Bell, Development Services Director; Jason W. Bench, Planning Director; Brandon Stocksdales, Planner; Cliff Peterson, Private Development Engineer; David Spencer, City Council Liaison

The Commission and staff briefly reviewed agenda items and minutes from June 17, 2015 meeting and adjourned at 4:25 p.m. to the City Council Chambers for the regular meeting.

REGULAR MEETING

PLACE - Orem City Council Chambers

At 4:30 p.m. Chair Moulton called the Planning Commission meeting to order and asked Derek Whetten, Planning Commission member, to offer the invocation.

Those present: Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten, Planning Commission members; David R. Stroud, City, Planner; Clinton Spencer, GIS Planner; Sam Kelly, City Engineer; Paul Goodrich, Transportation Engineer; Steve Earl, Legal Counsel; David Spencer, City Council Liaison and Loriann Merritt, Minutes Secretary

Those excused: Becky Buxton, Planning Commission member; Bill D. Bell, Development Services Director; Jason W. Bench, Planning Director; Brandon Stocksdales, Planner; David Spencer, City Council Liaison

Planning Commission Action: Mr. Whetten proposed the public hearing be moved to normal flow of the meeting. Vice Chair Iglesias seconded the motion. Those voting aye: Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 3.1** as follows:

AGENDA ITEM 3.1 is a request by Bill Lyons to vacate Lot 1 of W.M. Ercanbrack Subdivision, Plat A and approve the final plat of **ERCANBRACK SUBDIVISION, PLAT F** at 2080 South Main Street in the R8 zone.

Staff Presentation: Mr. Stroud said the applicant is proposing a two (2) lot final subdivision. Lot 1 of the proposed subdivision is 21,058 square feet and Lot 2 is 14,216 square feet. Both lots exceed the R8 zone minimum requirement of 8,000 square feet and face Main Street. The applicant received preliminary plat

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approval for Legacy Ridge Subdivision in April of 2015. With the preliminary plat approval for Legacy Ridge, the property lines of the existing Lot 1, of W.M. Ercanbrack Subdivision, Plat A are proposed to be changed by a plat amendment. As part of approval of this subdivision the improvements for Main Street from the south side of the proposed Lot 2 to 1700 North (Provo) to the proposed subdivision will need to be approved. Main Street, south of the proposed subdivision is in Provo City. In order for the proposed final plat to be recorded, the improvement plans for Main Street are required to be approved by Provo.



Recommendation: Based on the compliance with all applicable City codes staff recommends the Planning Commission vacate Lot 1 of W.M. Ercanbrack Subdivision, Plat A, and approve the final plat of Ercanbrack Subdivision, Plat F at 2080 South Main Street in the R8 zone.

Chair Moulton asked if the Planning Commission had any questions for Mr. Stroud.

Mr. Whetten asked if there will be a wall around Legacy Ridge Subdivision. Mr. Stroud said yes, it will be around these units.

Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

Jim Fillingim, Orem, said he was promised that his property would get a sewer line and the small drawing he received in the mail does not show that. He is currently on a septic tank. Mr. Stroud said the final plat does not show any utility lines. Mr. Kelly said this plan does not address Mr. Fillingim's concern. When the property further to the north develops, that is when the City will connect onto his property. The intent is to take his home off of septic and connect down to a lift station further to the west when the property to the north develops.

Mr. Fillingim asked if he will get noticed when the property to the north is developed. Mr. Kelly said yes and when the utility is installed, Mr. Fillingim will be connected.

Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

Planning Commission Action: Ms. Jeffreys said she has found that neither the public nor any person will be materially injured by vacating Lot 1 of W.M. Ercanbrack Subdivision, Plat A, and that there is good cause for the vacation. She then moved to:

1. Vacate W.M. Ercanbrack Subdivision, Plat A;
2. Approve the final plat of Ercanbrack Subdivision, Plat F with two lots at 2080 South Main Street.

Mr. Walker seconded the motion. Those voting aye: Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 3.2** as follows:

AGENDA ITEM 3.1 is a request by John Greg & Debbie Gee to vacate Lot 1 of Alger Acres, Plat B and Lots 2 and 3 of Alger Acres, Plat D and approve the final plat of **ALGER ACRES, PLAT G** at 1036 East 275 North in the R8 zone.

Staff Presentation: Mr. Spencer said the applicant is proposing to add on to their existing home. In order to do so, the property line to the south of their existing home needs to be moved in order to accommodate the required twenty-five (25) foot setback. The applicant owns Lot 1 of Alger Acres, Plat B, which is the lot their home is built on, as well as the eastern portions of Lots 2 and 3 of Alger Acres, Plat D. Lots 2 and

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3 of Alger Acres, Plat D were illegally subdivided and sold to the applicant with the purchase of their current home. The applicant has owned and maintained the property since 1989 as part of their back yard.



The proposed subdivision will properly subdivide the property into three (3) single family lots and resolve the existing illegal subdivision issue. All of the proposed public utility easements (PUE) will be maintained except for an easement to the south of the property owner's home which will be reduced from ten (10) feet to five (5) feet to allow for the proposed addition. An access easement is also

remaining on the plat to serve as an additional access from 275 North to Lot 4 of Alger Acres, Plat D. The proposed lots all meet the minimum requirements for the R8 zone and the existing homes will also all meet the required setbacks for the R8 zone.

Recommendation: Based on the compliance with all applicable City codes staff recommends the Planning Commission vacate Lot 1 of Alger Acres, Plat B and Lots 2 and 3 of Alger Acres, Plat D and approve the final plat of Alger Acres, Plat G at 1036 East 275 North in the R8 zone.

Chair Moulton asked if the Planning Commission had any questions for Mr. Spencer.

Ms. Larsen asked if the easement is being moved so the home could be added onto. Mr. Stroud said the 18-foot easement is being reduced to 13 feet.

Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

When no one came forward, Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

Planning Commission Action: Ms. Larsen said she has found that neither the public nor any person will be materially injured by vacating Lot 1 of Alger Acres, Plat B and Lots 2 and 3 of Alger Acres, Plat D, and that there is good cause for the vacation. She then moved to:

1. Vacate Lot 1 of Alger Acres, Plat B and Lots 2 and 3 of Alger Acres, Plat D; and
2. Approve the final plat of Alger Acres, Plat G with three lots at 1036 East 275 North.

Mr. Whetten seconded the motion. Those voting aye: Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 4.1** as follows:

AGENDA ITEM 4.1 is a request by Harold Irving to **AMEND SECTION 22-5-1, ESTABLISHMENT, AMENDING SECTION 22—3(A) AND THE ZONING MAP OF OREM CITY, AND ENACT SECTION 22-11-59 AND APPENDIX NN, PD-46 ZONE, ON 3.52 ACRES GENERALLY AT 200 EAST 1200 SOUTH.**

Staff Presentation: Mr. Stroud said the applicant has developed townhome units in Orem City previously as Pheasant Meadows in the PD-21 zone. He desires to construct the same type of unit on vacant property located between 1200 South and 100 South at 200 East. The property is adjacent to an LDS church building and existing multi-family units. There are three single-family homes that also border the proposed development.

Since a PD zone is specific to a location, adoption of zoning text is required to outline development standards and requirements. The following are the major requirements of the proposed PD text:

Density – Up to 12 units per acre, which is in-line with other PD zones developed or approved for high density residential.

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Height – Residential structure may be constructed up to a height of 30 feet. The maximum height of surrounding zones is 35 feet.



Setbacks – The applicant is proposing fifteen (15) foot side setback from public roads and adjacent to the property line. The PRD ordinance requires twenty-five (25) foot setbacks from public streets and any property not part of the PRD. Staff recommends that a side yard setback of at least twenty-five (25) feet should be required from 1200 South as well as a twenty (20) foot setback from the southern boundary of the PD-46 zone.

Exterior Finishing Materials – Brick, stone, stucco, and cement fiber board siding are permitted materials. Wood and vinyl siding is prohibited except for trim or soffits.

Parking – At least 2.25 parking stalls per unit, one of which must be covered.

Amenities – Some PD zones are specific as to what amenities will be provided. The proposed PD-46 zone concept plan does show several areas of open space and includes a tot lot area.

Neighborhood Meeting – A meeting was held on April 18 with five neighborhood residents in attendance. There were no negative comments concerning the proposal.

Traffic Impacts – Based on a review by Paul Goodrich, Orem City Transportation Engineer, the traffic impacts created by the proposed development are minimal - assuming that they can get access to 1100 South at 200 East. The LDS Church currently owns 200 East Street on the north end. The TIS assumed that 200 East was a public dedicated roadway and that access to 1100 South would not be an issue.

It is recommended that the 200 East dedication be obtained from the LDS Church prior to approving the rezone request or that a development agreement be signed by the owner that limits the number of units that can be constructed to the same number of single family homes that could currently be built in the R8 zone until the street dedication is obtained. The installation of necessary public utilities in 200 East, as well as the developer milling and resurfacing 200 East will also be a part of the development agreement. Fire code requires that all roads longer than 500 feet be at least twenty-six (26) feet wide. The private drive that accesses 200 East is very close to that length and is currently shown at twenty-four (24) feet. If it is determined that the road is 500 feet or longer the road will be required to be widened to twenty-six feet.

Advantages

- This proposal fits in with surrounding land uses
- The development provides an appropriate in-fill use
- The property is best suited as high density instead of single-family

Disadvantages

- Setbacks are less than that of the PRD ordinance

Recommendation: The Project Coordinator recommends the Planning Commission recommend approval to amend Section 22-5-1, Establishment, amend Section 22-5-3(A) and the zoning map of Orem City, and enact Section 22-11-59 and Appendix NN, PD-46 zone, on 3.52 acres generally at 200 East 1200 South

Vice Chair Iglesias recused himself.

Chair Moulton asked if the Planning Commission had any questions for Mr. Stroud.

Ms. Jeffreys said she likes that these are not high-rise. Mr. Stroud said from a land use perspective and based on the surrounding properties, this is a good development.

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Mr. Walker asked if the applicant will need an agreement with the LDS church for the road. Mr. Stroud said the City owns some property to the east of the road, and whether they need an agreement will depend on how the property is secured. It can be part of the development agreement.

Mr. Walker asked if the 2.25 parking stalls is a requirement. Mr. Stroud said the applicant is putting in that requirement.

Chair Moulton asked if the motion should address the development agreement. Mr. Earl said it is not necessary it is an information item for the Planning Commission.

Ms. Larsen asked about the sidewalk from 1100 South to 1200 South. Mr. Stroud said that section will need to be a combination curb, gutter and sidewalk. This layout requires the developer to purchase private property; however, the City wants the curb, gutter and sidewalk to be redesigned so as to not have the developer purchase private property. When it comes in for development, 200 East will be a public street.

Ms. Larsen asked if there would be stop signs on 1200 South and 1100 South. Mr. Goodrich said that will be worked out with the Traffic Operations Engineer. He guessed that it would not have stop signs. He noted that it is Utah law that when a road “T’s” cars will yield or stop. Ms. Larsen said her concern is that 200 East does not exactly meet up and drivers may not stop.

Ms. Larsen then asked if a vinyl fence is allowed, rather than requiring masonry. Mr. Stroud said a masonry fence has never been required in a PRD. The developer wanted to do a chain link, but staff suggested upgrading to a vinyl fence.

Mr. Walker indicated he thinks this is a great use of the property

Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

When no one came forward, Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

Planning Commission Action: Mr. Walker said he is satisfied that the Planning Commission has found this request complies with all applicable City codes. He then moved to recommend the City Council amend Section 22-5-1, Establishment, Amending Section 22-5-3(A) and the zoning map of Orem City, and enacting 22-11-59 and Appendix NN, PD-46 zone on 3.52 acres generally located at 200 East 1200 South. Ms. Jeffreys seconded the motion. Those voting aye: Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. Those recusing: Carlos Iglesias. The motion passed unanimously.

Vice Chair Iglesias returned to the meeting

MINUTES: The Planning Commission reviewed the minutes from the previous meeting. Chair Moulton then moved to approve the meeting minutes for June 17, 2015. Ms. Larsen seconded the motion. Those voting aye: Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

ADJOURN

Chair Moulton called for a motion to adjourn. Mr. Walker moved to adjourn. Mr. Whetten seconded the motion. Those voting aye: Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

Adjourn: 5:33 p.m.

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Jason Bench
Planning Commission Secretary

Approved: